

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

## I. (a) PLAINTIFFS

Kevin D. Dykes

(b) County of Residence of First Listed Plaintiff Chester  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Dolores M. Troiani, Esq., Troiani & Gibney, L.L.P.  
1273 Lancaster Ave., Berwyn, PA 19312; (610) 688-8400

## DEFENDANTS

County of Chester &amp; Deborah Ryan, District Attorney

County of Residence of First Listed Defendant Chester  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                                   | DEF                                   |   | PTF                        | DEF                        |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input type="checkbox"/> 2            | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3            | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		

## V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Title VII

Brief description of cause:

Plaintiff subject to adverse employment action due to his race

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

Over \$150,000 + other

CHECK YES only if demanded in complaint:

JURY DEMAND:

☒ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

N/A

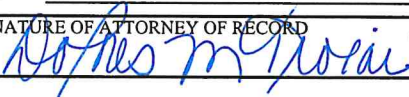
JUDGE

DOCKET NUMBER

DATE

January 3, 2022

SIGNATURE OF ATTORNEY OF RECORD



FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

**DESIGNATION FORM**

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 281 Cherry Lane, Kennett Square, PA 19348

Address of Defendant: 313 West Market St., West Chester PA; 201 W. Market St., West Chester, PA

Place of Accident, Incident or Transaction: Chester County, PA

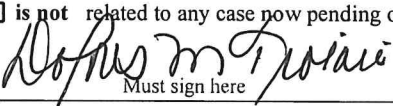
**RELATED CASE, IF ANY:**

Case Number: \_\_\_\_\_ Judge: \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when *Yes* is answered to any of the following questions:

- |  |                              |  |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?            | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?  | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 01/03/2022  21283  
 \_\_\_\_\_  
 Attorney-at-Law / Pro Se Plaintiff Attorney I.D. # (if applicable)

**CIVIL: (Place a ✓ in one category only)**

**A. Federal Question Cases:**

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
- ☐ 2. FELA
- ☐ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☐ 5. Patent
- ☐ 6. Labor-Management Relations
- ☒ 7. Civil Rights
- ☐ 8. Habeas Corpus
- ☐ 9. Securities Act(s) Cases
- ☐ 10. Social Security Review Cases
- ☐ 11. All other Federal Question Cases  
 (Please specify): \_\_\_\_\_

**B. Diversity Jurisdiction Cases:**

- ☐ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☐ 3. Assault, Defamation
- ☐ 4. Marine Personal Injury
- ☐ 5. Motor Vehicle Personal Injury
- ☐ 6. Other Personal Injury (Please specify): \_\_\_\_\_
- ☐ 7. Products Liability
- ☐ 8. Products Liability – Asbestos
- ☐ 9. All other Diversity Cases  
 (Please specify): \_\_\_\_\_


**ARBITRATION CERTIFICATION**

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, Dolores M. Troiani, Esquire, counsel of record or pro se plaintiff, do hereby certify:

☒ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:

☐ Relief other than monetary damages is sought.

DATE: 01/03/2022  21283  
 \_\_\_\_\_  
 Attorney-at-Law / Pro Se Plaintiff Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.



TROIANI & GIBNEY, L.L.P.  
By: Dolores M. Troiani, Esquire  
Attorney I.D. #21283  
1273 Lancaster Avenue  
Berwyn, PA 19312  
(610) 688-8400

Attorneys for Plaintiff

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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KEVIN D. DYKES	:	CIVIL ACTION
	:	
v.	:	NO: 2:22-cv-4
	:	
COUNTY OF CHESTER	:	
and	:	
	:	
DEBORAH RYAN	:	
District Attorney	:	JURY TRIAL DEMANDED

**COMPLAINT**

AND NOW, COMES the Plaintiff, Kevin D. Dykes, by and through his counsel, Troiani & Gibney, L.L.P. and files this Complaint in the above-referenced action alleging the following:

The Plaintiff is Kevin D. Dykes, who suffered adverse employment actions including termination from his employment as Chief County Detective of the Chester County District Attorney's Office due to his race and retaliation for asserting his Constitutionally protected rights. Plaintiff, by his attorneys, Troiani & Gibney, L.L.P., claims of Defendants a sum in excess of \$150,000.00, and in support thereof states the following:

**The Parties**

1. Plaintiff, Kevin D. Dykes is an African American individual and citizen of the Commonwealth of Pennsylvania residing at 281 Cherry Lane, Kennett Square, Pennsylvania.

2. Defendant, County of Chester, is a governmental entity operating under the laws of the Commonwealth of Pennsylvania, with a principal place of business at 313 West Market Street, West Chester, PA. At all times material hereto, Chester County was an employer as defined by the, Title VII of the Civil Rights Act of 1964 as amended 42 U.S.C. 2000 e (b), and the Pennsylvania Human Relations Act, 43 P.S. §§ 951 *et seq.*

3. Defendant, Deborah Ryan, is the District Attorney of Chester County, with a principal place of business at 201 West Market Street, West Chester, PA. At all times material hereto, the District Attorney was an employer as defined by the, Title VII of the Civil Rights Act of 1964 as amended 42 U.S.C. 2000 e (b), and the Pennsylvania Human Relations Act, (PHRA) ,43 P.S. §§ 951 *et seq* Relations Act, 43 P.S. §§ 951 *et seq.*

4. At all times material hereto, defendants acted through their agents, servants, and employees, who were acting within the scope of their authority, course of employment and under the direct control of defendants.

5. At all times material hereto, defendants acted in concert with one another.

6. At all times, material hereto, defendant Chester County condoned, ratified, and adopted the actions taken by its sub-unit, the Chester County District Attorney's Office.

7. At all times material hereto, defendants treated plaintiff in a disparate manner and terminated him and engaged in other adverse employment actions due to/ and or motivated by his race.

#### **Jurisdiction and Venue**

8. This action arises under federal statutes, including the federal civil rights laws, therefore, this court has jurisdiction of this matter under Section 706(f) (3) of Title VII, 42.1.S.C.

§2000e-5(f) (3), 28 U.S.C. sections 1331 and 1343 and pendent jurisdiction over the state court claims pursuant to 28 U.S.C. § 1367(a).

9. The unlawful employment practices and other actions giving rise to the cause of action alleged below were committed within the jurisdiction of the United States District Court for the Eastern District of Pennsylvania, and venue lies with this court pursuant to the provisions of 28 U.S.C. 1391(b) and 18 U.S.C. §1965.

10. All conditions precedent to jurisdiction have occurred or been complied with pursuant to 42 U.S.C. section 2000e-5 generally: a charge of employment discrimination was dual-filed with the Pennsylvania Human Relations Commission and over 365 days has elapsed since the date of filing and a charge was filed with the Equal Employment Opportunity Commission within 180 days of the unlawful employment practice. The EEOC has not acted within 180 days of Plaintiff's filing. Plaintiff has requested the Department of Justice to issue a right to sue letter to Plaintiff. Upon receipt of the letter, Plaintiff shall file it with the court.

#### **Factual Background**

11. Plaintiff incorporates by reference the prior paragraphs of this Complaint, as though fully set forth at length.

12. Following a distinguished career as a Pennsylvania State Trooper Plaintiff, Kevin Dykes, was hired as a Chester County Detective in 2002 and quickly rose through the ranks, under three different District Attorney Administrations.

13. In 2016, he became the first African American Chief of Detectives following his appointment by then District Attorney Tom Hogan.

14. Chief Dykes has long complained to defendant, Chester County, about the inequities regarding the determination of his salary, upon his elevation to Lieutenant and then Chief County Detective. DA Hogan attempted to rectify the inequities, but the County refused.

15. In November 2019, Deborah Ryan, a Caucasian was elected DA.

16. Chief Dykes made repeated attempts to speak with her but was unsuccessful until December 10, 2019, when she agreed to his request to meet.

17. The meeting was short. At the meeting, she told him that she liked and respected him, but that she was terminating him, “because you were a part of Hogan’s administration.” Ms. Ryan did not raise any other issues or offer any other explanation.

18. Three days later, Ryan met with the Caucasian male Lieutenant, who was also “part of the Hogan administration.” She asked him where he was in his career, a question not posed to Chief Dykes. When he responded that he could retire in about 10 months, she told him she would get back to him. Ryan permitted the Caucasian male to remain employed in the DA’s Office, with the same rank, salary, benefits, and administrative duties for a full year so that he could achieve superannuation of his pension. She did not offer this opportunity or even discuss it with Chief Dykes.

19. When Plaintiff again attempted to speak to Ryan, she refused and demanded that Chief Dykes turn in his computer, gun, cell phone, keys to access the building and other items prior to her being installed in office.

20. On January 2, 2020, Ryan responded to Chief Dykes’ request to delay his termination, which would occur on January 5, until January 9, in that he had obtained employment at the Sheriff’s Office and his position would not be presented to the salary board until that day. He asked that DA Ryan cooperate so that he would not have an interruption in his



pension and could “mitigate his damages.” As more fully described below, Ryan’s response to plaintiff’s request to mitigate his damages, was to engage in a series of retaliatory actions, designed to discredit plaintiff in the eyes of his colleagues and new employer in order to adversely affect the terms and conditions of his employment. She refused to permit him the four days, claiming she did not have any authority to discuss his employment until January 5.

21. Immediately upon assuming office, Ryan had Plaintiff’s email and computer access turned off. Similarly situated Caucasian employees who were able to transfer to another department were not denied access to their electronic devices.

22. When Ms. Ryan became District Attorney, Chief Dykes was the only person terminated due to his association with the prior administration.

23. Chief Dykes was able to transfer to the Sheriff’s Office, but his salary was reduced by \$50,000.

24. Ryan then falsely accused Chief Dykes of a crime, that is “unauthorized use” of his county issued credit card, related to a credit card charge which occurred prior to her taking office and over which she acknowledged she did not have any authority at the time of the purchase.

25. Not only did Ryan permit the Caucasian Lieutenant to remain employed so that his pension would not be affected, but she also elevated the Caucasian Sergeant to Chief. Both white men held administrative positions in the County Detectives office under the previous administration.

26. Plaintiff is an employee subject to Title VII/PHRA protections. He is Black. He does not/did not have policy making authority, he cannot advise the District Attorney as to the exercise of the constitutional or legal powers of the office and he must be a sworn law

enforcement officer. The Chief County Detective is subject to the requirements of the Municipal Police Act and must be certified by the Municipal Police Officer's Education and Training Commission and attend training yearly. He has powers of arrest. The district attorney does not have her own personal police force and therefore the chief is not a member of her personal staff.

27. Defendant County of Chester engages in a policy and practice of ignoring *written* policies to benefit white males, while denying the same benefits to persons of color.

28. By way of example, when Chief Dykes complained that upon his promotion to Lieutenant and later to Chief, he had been denied benefits he accrued while a member of the bargaining unit, including retaining vacation and comp time, his request for matching benefits was denied based upon "policy." In January 2020, the County did not apply the same "policy" to his replacement, DS, a white male, who was designated as "acting" to permit him to retain benefits denied to plaintiff.

29. Chief Dykes contacted the EEOC in May 2020. In July 2020, representatives of the Human Resources Department and the County Solicitor continued to deny that DS received any benefits due to the designation of "acting." On or about August 2021 the County acknowledged DS received benefits as "acting chief" which they refused to approve for plaintiff when he had requested them.

30. Ryan attempted to justify the disparate treatment by claiming that DS had not been approved by the salary board. In fact, the position of Chief County Detective appears on the January 6, 2020 Salary Board Agenda as a full time, not temporary, approved budgeted position. When Ryan announced his appointment in her January 9, 2020, press release, she did not designate him as "acting." In the same, press release Ryan announced the promotion of AC,



(D.A. Hogan's Deputy DA), a Caucasian female to Chief of Staff. She promptly submitted AC's name to the salary board and the Commissioners approved the promotion on January 9, 2020.

31. It was not until after Chief Dykes complained to the County Solicitor that Ryan submitted the present Chief's name to the salary board for approval by the Commissioners on September 27, 2020. As a result, DS was no longer designated as acting and the benefits long denied to Chief Dykes were no longer available to DS. Ryan controlled the timing of the submission and as in the other actions she took, they were all in response to Chief Dykes complaints of disparate treatment.

32. In addition to the Caucasian male Lieutenant who was retained by Ryan for a full year after she terminated Chief Dykes, the County "policies" were disregarded to accommodate another white male, so that he could attain retirement eligibility. By agreement dated June 16, 2015, when a white male facing disciplinary issues requested that he be permitted to remain employed, the County permitted him to use vacation, sick, compensatory and paid time off accrued from May 1, 2015 to August 31, 2016, which enabled him to remain on the payroll and retain his retirement benefits, as well as his other benefits including health insurance, without the necessity of actually appearing at work or earning the benefits.

33. As a result of his complaints of disparate treatment and racial discrimination, Chief Dykes was subjected to retaliation in the form of a campaign to discredit him in the eyes of his new employer and other county employees.

34. On January 16, 2020, Ryan sent an email to Chief Dykes' boss, Sheriff Maddox, accusing him of a crime, that is "unauthorized charges" on the credit card. The email was written in red and bold type. At the time she made the accusation, Ryan knew that her

predecessor had approved the expenditures, which were for professional dues, and that Chief Dykes had not misused the credit card.

35. After Chief Dykes filed with the EEOC, and after the death of George Floyd, the County Commissioners expressed concern that civil unrest and protests would occur in the County. They decided to convene a meeting to discuss and coordinate actions addressing criminal justice reform and racism. Ms. Ryan was invited to attend along with Sheriff Maddox, the first African American female to hold that position and Chief Dykes, the highest ranking African American law enforcement officer, other than the Sheriff, in the County. The meeting occurred on June 8, 2020. Commissioner Michelle Kichline participated by zoom and praised Chief Dykes for the work he had accomplished as Chief County Detective and noted that he was the highest-ranking black law enforcement officer at that time. Ryan also participated in the meeting, along with DS, the Caucasian male she appointed as Chief Detective and MB, the Caucasian male she appointed as first assistant.

36. The County decided to form the Chester County Law Enforcement Task Force on Race and Justice. The County appointed Ryan to head the committee. She promptly excluded Chief Dykes, claiming that only one person from each department should be on the committee: however, Ryan, DS, and MB and at least three others from her office were appointed to the committee.

37. In July, September, and October 2020, Ryan's office complained to Sheriff Maddox about "issues" between their offices. Ryan complained to Sheriff Maddox that there now exists a contentious relationship between the DA's and Sheriff's offices which did not exist when the previous Chief Deputy Sheriff, a Caucasian male, held the job, Chief Dykes now holds.

38. Ryan continues to make unfounded complaints against plaintiff.

**COUNT I**  
**VIOLATION OF TITLE VII v. CHESTER COUNTY**

39. Plaintiff incorporates by reference the averments of the preceding paragraphs as if fully set forth herein.

40. Plaintiff is African American and as such a member of a class protected by Title VII against discrimination based in whole or in part upon an employee's race.

41. The actions of the employer as more fully described above constitute violations of Title VII in that the employer discriminated against Plaintiff in whole or in part due to his race.

42. Plaintiff was subjected to adverse employment actions, including but not limited to termination.

43. As a direct and proximate result of the discriminatory acts and conduct perpetrated against Plaintiff by Defendant, Plaintiff has suffered and will continue to suffer irreparable harm, so that he is entitled to the relief requested below.

**COUNT II**  
**VIOLATIONS OF THE PENNSYLVANIA HUMAN RELATIONS ACT**  
**v. CHESTER COUNTY AND DEBORAH RYAN**

44. Plaintiff incorporates by reference the averments of the preceding paragraphs as if fully set forth herein.

45. Plaintiff is African American and as such is a member of a class protected by the PHRA.

46. The actions of the employer as more fully described above constitute violations of the PHRA, in that the employer discriminated against Plaintiff in whole or in part due to his race.



47. As a direct and proximate result of the discriminatory acts and conduct perpetrated against Plaintiff by Defendants, Plaintiff has suffered and will continue to suffer irreparable harm, so that he is entitled to relief requested below.

**COUNT III**  
**VIOLATIONS OF THE PENNSYLVANIA HUMAN RELATIONS ACT -**  
**RETALIATION v. CHESTER COUNTY AND DEBORAH RYAN**

48. Plaintiff incorporates by reference the averments of the preceding paragraphs as if fully set forth herein.

49. Plaintiff is African American and as such a member of a class protected by the PHRA.

50. Plaintiff was subjected to adverse employment actions, as more fully described above, due to his assertion of his rights protected by the PHRA.

51. As a direct and proximate result of the discriminatory acts and conduct perpetrated against Plaintiff by Defendants, Plaintiff has suffered and will continue to suffer irreparable harm, so that he is entitled to relief requested below.

**COUNT IV**  
**VIOLATION OF TITLE VII-RETALIATION v. CHESTER COUNTY**

52. Plaintiff incorporates by reference the averments of the preceding paragraphs as if fully set forth herein.

53. Plaintiff is African American and as such a member of a class protected by Title VII.

54. Plaintiff was subjected to adverse employment actions, as more fully set forth above, due to his assertion of his rights protected by the Title VII.

55. As a direct and proximate result of the discriminatory acts and conduct perpetrated against Plaintiff by Defendant, Plaintiff has suffered and will continue to suffer irreparable harm, so that he is entitled to the relief requested below.

**PRAYER FOR RELIEF**

56. Plaintiff incorporates by reference the averments of the preceding paragraphs as if fully set forth herein.

57. As a result of Defendants' joint and several actions, Plaintiff has suffered mental anguish, emotional distress, a loss of dignity, and self-respect, humiliation, deprivation of income and benefits, loss of job opportunities and assignments and been subjected to unwelcomed notoriety. In that Defendants' actions were outrageous and malicious, Plaintiff requests both compensatory and actual damages in an amount in excess of One Hundred Fifty Thousand (\$150,000.00) Dollars and all relief to which he is entitled by statute including injunctive relief to prevent continued deprivation of his rights, costs and attorney's fees.

WHEREFORE, Plaintiff specifically requests the following relief be granted as against the Defendants, jointly and severally:

- a. That he be awarded back pay, front pay, reinstatement to his position, and reinstatement and/or restoration of all job benefits and other compensation, including compensatory damages, as allowed by law, which damages exceed the arbitration limits.
- b. That the Defendants be required to eliminate all unlawful discriminatory practices and procedures including all racially directed terminations/ and discipline and remedy all discriminatory effects of past practices and procedures.

c. That the Court order that the Plaintiff's attorney's fees, costs and expenses of this litigation be paid by the Defendants.

d. That the Court enter a declaratory judgment and finding that Defendants, jointly and severally violated Title VII of the Civil Rights Act of 1964, and/or the PHRA.

e. That the Defendants institute procedures to ensure that Plaintiff remain free from future retaliation.

f. That Defendants compensate Plaintiff for past and future pain, suffering, mental anguish, emotional distress, harm to reputation, embarrassment, humiliation, loss of enjoyment of life and all consequential damages resulting from their conduct.

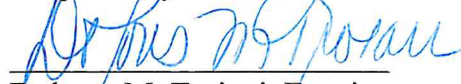
g. That this Honorable Court enter judgment in his favor and against Defendants, jointly and severally, in an amount in excess of One Hundred Fifty Thousand Dollars (\$150,000.00) plus attorneys' fees, pre and post judgment interest, costs, punitive damages, and such other additional relief as this Court deems just and proper, and

h. To provide such further relief to the Plaintiff as the Court and jury deem necessary, just, equitable and appropriate.

**JURY DEMAND**

Plaintiff hereby demands a trial by jury in this matter.

Respectfully submitted,



Dolores M. Troiani, Esquire

Attorney I.D. No: 21283

Troiani & Gibney, L.L.P.

1273 Lancaster Avenue

Berwyn, PA 19312

Telephone No: (610) 688-8400

Attorney for Plaintiff

Kevin D. Dykes